

## **SECTION I - AUTHORITY**

Under the authority vested in the Newton Planning Board by Town Meeting vote in March of 1981, and in accordance with current New Hampshire State Law, including, but not limited to, Chapters 672 through 677 (as amended), particularly sections 674:43 and 674:44 of the Revised Statutes Annotated (RSA) of the State of New Hampshire, the Newton Planning Board, herein after referred to as "Board", adopts the following Regulations governing the Review of Site Plans for developments involving land within the Town of Newton, New Hampshire. These regulations repeal and replace all previously adopted Non-residential Site Plan Review regulations.

## **SECTION II - TITLE**

These regulations shall be known, and may be cited as, the Town of Newton Non-Residential Site Plan Review Regulations, hereinafter referred to as Site Plan Review Regulations or Regulations. The current set of Regulations revise and replace any prior Site Plan Review Regulations, as amended, and take effect upon adoption by the Board, and filing with the Town Clerk of the Town of Newton, in accordance with RSA 675:6. A copy shall also be filed with the New Hampshire (NH) Office of State Planning (OSP) in accordance with RSA 675:9.

## **SECTION III - PURPOSE AND INTENT**

Consistent with the enabling legislation cited above, the purpose of these Regulations is to ensure that non-residential developments are consistent with the enumerated purposes of RSA 674:44, which are incorporated by reference herein, and that all development shall be consistent with the following purposes:

- 3.1 Development shall be harmonious with the Town and its environs;
- 3.2 Developments shall be provided with adequate services and utilities;
- 3.3 Development shall have safe and convenient traffic flows both on and off the site;
- 3.4 Developments shall not necessitate an excessive expenditure of public funds for the supply of such services;
- 3.5 Suitably located streets shall be required of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- 3.6 Development shall promote the public's health, safety, welfare and convenience.
- 3.7 Provision of open spaces and green spaces of adequate proportion.

## **SECTION IV - JURISDICTION**

These provisions shall govern all non-residential development within the Town of Newton. The Board shall require the submission of site plans, prior to the beginning of any construction, land clearing, or building development by all applicants seeking approval for any of the following:

- 4.1 The construction of any new non-residential use.
- 4.2 The enlargement of any existing non-residential use which occasions development of the site. Development of the site includes, but is not limited to, structures, paving, excavation in preparation of building, and land clearing.

- 4.3 The change within a structure from one permitted use to another non-residential use which will occasion development of the site including, but not limited to improvement or alteration to the site required by virtue of any other town or state ordinance, statute, or regulation.
- 4.4 A change in use or expansion of use which involves impacts in terms of, but not limited to, traffic, circulation, parking, lighting, or any other aspect which may reasonably be foreseen to impact the health, safety, convenience, or prosperity of the citizens of Newton and the region.
- 4.5 In certain circumstances under Section 9 of the Policies and Procedures Manual and the requirements found therein, the applicant may be eligible for a Minor Site Plan Review.
- 4.6 These non-residential site review regulations shall also apply to any new construction or expansion of use that results in greater than four (4) residential units on a lot and occasions development of the site, as described under paragraph 4.2.

In all cases, no building permit shall be issued by the building inspector for the construction of any building subject to these regulations, until final approval is granted by the Board, and no certificate of occupancy shall be issued until the terms and conditions of the Board's approval have been fulfilled.

## **SECTION V - DEFINITIONS**

Abutter: abutter shall mean any person whose property is located in New Hampshire adjoins, or is directly across a street or stream from, the land under consideration by the Board. For purposes of receiving testimony only and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the Town of a Board hearing, in the case of an abutting property being under condominium or other collective ownership, the term abutter shall mean the officers of the collective or association, as defined in RSA 356-B:3, XXIII, and any amendments thereto.

Amended site plan: this term shall refer to any change to an existing site plan which the Board has not reviewed.

Applicant: applicant shall mean the owner of record of the land which is proposed to be developed in a nonresidential manner, including any subsequent owner of record who proposes such development, or the duly authorized agent of any such owner.

Board: shall mean the Planning Board of the Town of Newton, New Hampshire as established under the provisions of RSA 673:2, as amended.

Certified soil scientist: a person qualified in soil classification and mapping who is certified by the State of New Hampshire.

Completed application: this term refers to the application form with all information completed as requested on the form (with the exception of requested waivers from applicable regulations), all attachments, drawings, approvals and other paperwork as requested in the form or elsewhere in these regulations, and all fees and administrative expenses as indicated in these regulations. The information provided shall provide sufficient information to allow the Board to proceed with consideration and to make an informed decision.

Development: this term shall mean the construction of improvements on a tract or tracts of land, including the enlargement of a structure or physical changes to the site in an effort to accommodate an intended use.

Easement: an easement shall mean the right or privilege that a person may have in another's land usually for the purpose of installing and/or maintaining utilities or drainage ways.

Engineer or Surveyor: these terms shall denote the duly designated, legally recognized, New Hampshire licensed engineer or surveyor employed by the applicant as may be pertinent to the actual services to be performed in accordance with the provisions set forth in RSA 310-A, as amended.

Enlargement: this term refers to an increase in size or an expansion of any structure or appurtenance, whether said appurtenance exists alone or in service of a structure or other appurtenance. Construction of a new structure appurtenant to an existing structure, but not physically attached to the existing structure, shall also be considered an enlargement of the existing structure.

Hardpan: this term refers to a compact soil layer high in silt and very fine sand, generally low in clay; its permeability is less than 0.6 inches per hour.

Improvement: this term shall refer to site grading, landscaping, street or road construction, and utilities (including water, sewer, electric, gas, storm drainage, and their appurtenances) to be installed or agreed to be installed by the applicant on land to be used for public or private streets and easements or other purposes as are necessary for general development of the site.

Individual waste disposal system: this term refers to any sewage disposal and/or treatment system other than a municipal system or community system.

Individual water supply system: this term refers to any water supply system other than a municipal system or a public water system, which provides potable water.

Lot: this term refers to a piece or parcel occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by these regulations and/or the Town's Zoning Ordinance, and having frontage on a public street.

Seasonal high water table (SHWT): this term refers to the upper limit of the ground water in a soil which becomes seasonally saturated with water.

Street: as set forth in RSA 672:13, street means, relates to and includes street, avenue, boulevard, road, land, alley viaduct, highway, freeway and other ways. The term "streets" shall also apply to areas on any plans designated as streets, roads, lanes, etc.

Subdivision: subdivision means the division of a lot, tract, or parcel (which may include one or more tracts, lots, or parcels) of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale, rent, lease, or building development: in short, any division of land which creates the potential for additional dwelling units or bedrooms. The term includes resubdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision for the purpose of these regulations, in accordance with RSA 672:14, as amended.

Submission: this term refers to the process of applying to the Board for site plan review, formal submission is the formal presentation of a site plan to the Board at a public hearing, submission is a prerequisite for acceptance of a complete application.